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COGENT COMMUNICATIONS, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOAN AMBROSIO et al., on behalf of
themselves and those similarly situated,

Plaintiffs,

vs.

COGENT COMMUNICATIONS, INC.,

Defendant.

Case No. 3:14-cv-02182-RS

Assigned to:
U.S. District Judge Richard Seeborg

**STIPULATION TO: (1) CONTINUE
DEADLINES FOR OPPOSITION AND
REPLY BRIEFS TO DEFENDANT'S
MOTION FOR A STAY AND MOTION
TO CERTIFY ORDER FOR
INTERLOCUTORY APPEAL; AND (2)
CONTINUE HEARING AND CASE
MANAGEMENT CONFERENCE;
~~PROPOSED~~ ORDER**

Complaint filed: May 12, 2014

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16 JOAN AMBROSIO, ET AL.

STIPULATION

Plaintiffs Joan Ambrosio, et al. (“Plaintiffs”) and Defendant Cogent Communications, Inc. (“Defendant”) (the “Parties”), by and through their counsel of record, hereby stipulate as follows:

WHEREAS, on January 4, 2016, the Court set a case management conference (“CMC”) in this matter for February 4, 2016, at 10:00 a.m. (ECF No. 80.)

WHEREAS, on January 19, 2016, Defendant filed a Motion to Certify Order for Interlocutory Appeal (ECF No. 83) (“Motion to Certify”) and a Motion for a Stay Pending Appeal (ECF No. 84) (“Motion to Stay”) (the “Pending Motions”) and set the hearing for March 3, 2016.

WHEREAS, on January 29, 2016, the clerk of the Court gave notice that the CMC previously set for February 4, 2016 is continued to March 3, 2016, at 1:30 p.m.—the same time and date as the currently scheduled hearing on the Pending Motions.

WHEREAS, lead defense counsel, Ms. Tamara Devitt of Haynes and Boone, LLP, is scheduled to be out of state at a firm event in New York City on March 3, 2016. The event has already been publicized to the firm’s clients, Ms. Devitt has already booked travel plans, and she will be one of three primary speakers at the event.

WHEREAS, the Parties are available on March 10, 2016, at 1:30 p.m., to appear for a hearing on the Pending Motions and for a CMC.

WHEREAS, to conserve party and judicial resources, the Parties agree that the hearing on the Pending Motions and the CMC, currently set for March 3, 2016, should both be continued to March 10, 2016.

WHEREAS, the Parties also respectfully request that the Court continue the briefing schedule on the Pending Motions as detailed below. This enlargement of time will provide the Court with ample time to review the papers prior to the hearing on the Pending Motions, especially if it is held concurrently with the CMC on March 10, 2016 instead of March 3, 2016.

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NOW, THEREFORE, the Parties, by and through their counsel of record, hereby stipulate, subject to approval of the Court, to the following:

(1) The CMC and hearing on the Pending Motions, currently scheduled for March 3, 2016, are continued to March 10, 2016, at 1:30 p.m. in the above-entitled Court.

(2) The briefing schedule for the Pending Motions shall be as follows:

February 9, 2016 Plaintiffs' Opposition to Defendant's Motion to Certify
Order for Interlocutory Appeal

 Plaintiffs' Opposition to Defendant's Motion for a Stay
Pending Appeal

February 19, 2016 Defendant's Reply Briefs in support of Motion to Certify
Order for Interlocutory Appeal and Motion for a Stay
Pending Appeal

March 10, 2016, 1:30 p.m. Hearing/Case Management Conference

IT IS SO STIPULATED.

Respectfully submitted,

Date: February 1, 2016

HAYNES AND BOONE, LLP

By: /s/ Matthew E. Costello
Matthew E. Costello
Attorneys for Defendant
COGENT COMMUNICATIONS, INC.
**I, Matthew E. Costello, attest that Monique Olivier
has concurred in the filing of this document.
(Civil L.R. 5-1(i).)*

Date: February 1, 2016

DUCKWORTH PETERS LEBOWITZ OLIVIER LLP

By: /s/ Monique Olivier
Monique Olivier
Attorneys for Plaintiffs
JOAN AMBROSIO, ET AL.

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION:

(1) The hearing on Defendant's Motion to Certify Order for Interlocutory Appeal and Motion for a Stay Pending Appeal, currently set for March 3, 2016, shall be continued to March 10, 2016, at 1:30 p.m., in the above-entitled Court.

(2) The case management conference, currently set for March 3, 2016, shall be continued to March 10, 2016, at 1:30 p.m., in the above-entitled Court.

(3) The revised briefing schedule on Defendant's Motion to Certify Order for Interlocutory Appeal and Motion for a Stay Pending Appeal is as follows:

February 9, 2016	Plaintiffs' Opposition to Defendant's Motion to Certify Order for Interlocutory Appeal
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	Plaintiffs' Opposition to Defendant's Motion for a Stay Pending Appeal
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February 19, 2016	Defendant's Reply Briefs in support of Motion to Certify Order for Interlocutory Appeal and Motion for a Stay Pending Appeal
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March 10, 2016, 1:30 p.m.	Hearing/Case Management Conference
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IT IS SO ORDERED.

Date: 2/2/16



Judge Richard Seeborg
United States District Court

PROOF OF SERVICE

I hereby certify that on February 1, 2016, I filed the foregoing document:

STIPULATION TO: (1) CONTINUE DEADLINES FOR OPPOSITION AND REPLY BRIEFS TO DEFENDANT’S MOTION FOR A STAY AND MOTION TO CERTIFY ORDER FOR INTERLOCUTORY APPEAL; AND (2) CONTINUE HEARING AND CASE MANAGEMENT CONFERENCE with the Court through this district’s CM/ECF system. Pursuant to Local Rule 5-1(e), the “Notice of Electronic Filing” automatically generated by the CM/ECF at the time the document is filed with the system constitutes automatic service of the document on counsel of record who have consented to electronic service.

/s/ Breean Cordova

Breean Cordova